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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,738	06/08/2001	Boris Viktorovich Moiseev	MOISEEV ET AL-1 PCT	9616

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EXAMINER

BEKERMANN, MICHAEL

ART UNIT	PAPER NUMBER
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3622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/857,738	Applicant(s) MOISEEV ET AL.	
	Examiner Michael Bekerman	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/11/2006 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **As best understood, Claims 41-44, 46-56, and 58 are rejected under 35 U.S.C. 102(e) as being anticipated by Gerszberg (U.S. Patent No. 6,292,210).**

Gerszberg shows an advertising information system that includes all of the limitations recited in the above claims.

Regarding claims 41, 42, 50 and 58, Gerszberg teaches a system including a user's device (which could be any number of devices) connected via a connection unit to a memory device (ISD, which examiner considers to act as a server) (Column 5, Lines 35-40). Also included into said system is a device for generating a set of requested information and advertising information (television, which examiner also considers to be an information display board) (Column 9, Lines 27-33). It is inherent that a device for displaying advertisement information (such as a television) would also have an entry for inputting advertisement information. Examiner considers the memory device above to be an advertising information memory device. Examiner considers the set-top box to be a microprocessor (Column 9, Lines 27-38). Examiner reads the broad meaning of "change of sequencing to encompass a change in the order of provided information or advertising. Thus, a television remote control as referenced by Gerszberg (Column 9, Lines 31-33) would be capable of changing the channel, which is a change in the order that information is provided, and thus represents a change in the sequencing of provided information (or advertisements).

Regarding claims 43 and 44, these claims merely specify intended use. The television of Gerszberg is capable of showing a video display of requested information (television programming) and advertising information simultaneously (Column 4, Lines 5-13 and Column 12, Lines 13-16 and 38-40).

Regarding claims 46-49, Gerszberg shows a user device as being any of the following: a computer (Column 5, Lines 35-38), a telephone or videophone (Column 5, Lines 35-38), or a remote control/phone combination unit (Column 3, Lines 2-4).

Gerszberg also teaches a printer as being connected to a videophone (Column 7, Line 55). Claim 28 merely specifies intended use.

Regarding claim 51, Gerszberg teaches the ISD to act as a multiplexer (Column 2, Lines 59-60).

Regarding claims 52-56, Gerszberg teaches the communication network as being a telephone network (the communication in this case involves the transmitting of audio to the television) (Column 3, Lines 4-10). Gerszberg also teaches a wide area network such as the Internet as being available (Column 7, Line 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg (U.S. Patent No. 6,292,210).** Gerszberg teaches both the requested and advertising information as having video, but doesn't specify the advertisements as having sound. Official notice is taken that it is well known to add sound to a video advertisement shown on a television. Reference is drawn to everyday television commercials as having both video and audio. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include audio in the

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advertisements of Gerszberg. This would allow for a better understanding of the advertisement, as it could be heard as well as seen.

4. **Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg (U.S. Patent No. 6,292,210) in view of Boylan (U.S. Pub. No. 2004/0194138).** Gerszberg doesn't specify the advertisements shown on the television as being selectable. Boylan teaches an interactive program guide on a television that has user-selectable advertisements (Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to allow users to select which advertisements to view. This would allow for more sales to be made, as users are only looking at advertisements that interest them.

Conclusion

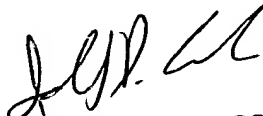
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bekerman whose telephone number is (571) 272-3256. The examiner can normally be reached on Monday - Friday, 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric W. Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JEFFREY D. CARLSON
PRIMARY EXAMINER